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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q62568

Michio MASUDA, et al.

Appln. No.: 09/752,520

Group Art Unit: 2152

Confirmation No.: 9986

Examiner: Unknown

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Technology Center 2100

Filed: January 03, 2001

For: MULTI-LAYER CLASS IDENTIFYING COMMUNICATION APPARATUS WITH  
PRIORITY CONTROL**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §§ 1.97 and 1.98**Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Unexamined Patent Publication No. 11-331257, published November 30, 1999. (This reference was previously submitted to the U.S. Patent and Trademark Office with an Information Disclosure Statement on June 21, 2002.)
2. Japanese Unexamined Patent Publication No. 8-307454, published November 22, 1996.

One copy of Reference No. 2 is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date for an application other than a continued prosecution application (CPA) under §1.53(d); (2) Before the mailing date of the first Office Action on the

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merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a Japanese Office Action dated September 10, 2002 with an English translation of the pertinent portions thereof which cites such documents and indicates the degree of relevance found by the foreign patent office.

The submission of the listed document is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,



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Ref Q62568

Reason 1

The inventions as per the following claims of this application could have been easily invented, based on the inventions described in the publications indicated below which were distributed in Japan or abroad prior to the filing of this application, by a person having ordinary knowledge in the technical field of the invention prior to the filing of this application, and therefore cannot be patented, as per the stipulations of Article 29, Subsection 2 of the Patent Law.

Description

- Claims 1 through 6
- Publications
  1. Japanese Unexamined Patent Application Publication H11-331257
  2. Japanese Unexamined Patent Application Publication H8-307454

Remarks

{Claims 1 through 6}

Cited Literature 1 describes, as a method of controlling traffic between networks in a router, determining the priority of TCP/UDP packets based on the port number set therein and performing traffic control based on that priority. Furthermore, performing scheduling and policing for the purpose of controlling traffic is well known to persons skilled in the art.

Cited Literature 2 describes how, by determining priority based on a packet's sender IP address and port number, data which came from terminals with the same priority can also be assigned priorities among themselves and processed (cf. in particular paragraphs 0015 through 0016).

Furthermore, as a packet class based scheduling system, both the fixed priority system and the weighted round robin system which allows minimum bandwidth designation are well known systems, and thus no particular difficulty is found in merely trying to combine the two.

Therefore, adopting the method described in Cited Literature 2 for the method of determining priority of packets in Cited Literature 1, determining priority from the IP address and port number and performing traffic control based on that priority, and concurrently employing the weighted round robin system and fixed priority system as scheduling systems to achieve the inventions as per Claims 1 through 6 of the present application is something which could be easily conceived of by a person skilled in the art.

Reason 2

The language of the scope of patent claims of this application does not meet the requirements stipulated in Article 36, Subsection 6, Paragraph 2 of the Patent Law in the points indicated below.

Description

{Claims 1}

(1) In the statement "said communication circuit is selected for the destination address at said switch circuit" in Claim 1, "communication circuit" is found to be a misprint for "communication line."

(2) The statement "WRR (Weighted Round Robin Scheduling) and fixed priority scheduling are combined as the sender side class based scheduling system" in Claim 1 is unclear.

Namely, how the two scheduling systems are combined to perform scheduling, i.e. the specific scheduling method, is unclear.

If other reasons for rejection are newly discovered, a notice of reasons for rejection will be reissued.

For questions regarding the content of this notice of reasons for rejection or if you desire an interview, please contact the following.

Patent Examination Division No. 4, Digital Communications (Data Networks) Masayuki Takahashi